



DEPARTMENT OF THE NAVY
OFFICE OF NAVAL RESEARCH
875 NORTH RANDOLPH STREET
SUITE 1425
ARLINGTON, VA 22203-1995

IN REPLY REFER TO:

5720
Ser BD042/039
ONR FOIA 16-036
February 3, 2016

Dr. Tatyana Milovanova
University of Pennsylvania
1927 Pemberton Street
Philadelphia, PA 19146

Dear Dr. Milovanova:

The Office of Naval Research (ONR) received your Freedom of Information Act (FOIA) request on February 2, 2016 and assigned it the number 16-036 in our system. You requested records related to an investigation of misconduct of research performed by Mr. Dennis Phillips in March - July of 2015. A copy of your request is included with this letter.

Your FOIA request included a request for a fee waiver. The Department of the Navy's (DON) FOIA regulation (SECNAVINST 5740.42F, enclosure 3) states a fee waiver shall be granted when it is determined disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of DON/DoD and it is not primarily in the commercial interest of the requester.

Your request did not provide a detailed explanation of how the disclosure would be likely to contribute significantly to public understanding of the operation and activities of DON/DoD. Your request for a fee waiver is denied. We acknowledge your willingness to pay up to \$150.00 in fees. Should the cost of processing your request exceed that amount, we will contact you before continuing to process your request.

Your request also included a request for expedited processing. DON FOIA regulation (SECNAVINST 5720.42F para 11f(5)) states expedited processing may be granted if a requester demonstrates a compelling need for the records. A request for expedited processing must demonstrate one of the following:

- a. Failure to obtain the records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual.
- b. Information is urgently needed by an individual primarily engaged in disseminating information in order to inform the public concerning actual or alleged federal government activity.
- c. An imminent loss of substantial due process rights.
- d. Humanitarian need.

Information of historical interest only or information sought for litigation or commercial activities do not qualify for expedited processing.

Based on the information in your request indicating that your suit in federal court is forthcoming, we have determined that your request does not meet the criteria for expedited processing and your request is denied.

You may appeal our denial of a fee waiver and expedited processing requests to:

Office of the General Counsel
Department of the Navy
ATTN: FOIA/PA Appeals Office
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000

Please include a copy of your original request, a copy of this letter, your supporting rationale on why the appeal should be granted, and any other information you would like considered in adjudicating your appeal. The appeal must be postmarked no later than sixty (60) calendar days from the date of this letter.

If you have any questions, please address them to Mr. Jason Towns at (703) 696-5361 or ONRFOIA@navy.mil. Please reference ONR FOIA 16-036 in any correspondence discussing this request.

Sincerely,



KATHY THOMPSON
FOIA Officer

Attachments:
As stated

Task Details**Request Status :** *Initial Evaluation***Task Due Date :** 02/02/2016

Submitted

Evaluation

Assignment

Processing

Request Details

Tracking Number : DON-^{Closed}
 NAVY- 02/02/2016
 Submitted Date :
 2016-003160
 Last Assigned Date :
 Requester : Dr. 02/02/2016
 Tatyana
 Fee Limit : \$150.00
 Milovanova
 Organization :
 University of
 Pennsylvania
 Requester Has Account : No

Task Details

Task Type : Fee
 Waiver

Assigned To : Office
 of Naval
 Research

Submission Details

Case File

Admin Cost

Assigned Tasks

Comments (0)

Review

Request Handling

Requester Info Available to the No
 Public :
 Request Track : Simple
 Fee Category :
 Unassigned
 Request Perfected : No
 Appellate Authority : N/A
 Acknowledgement Sent Date:
 Unusual Circumstances ? No
 Fee Waiver Requested: Yes
 Fee Waiver Status:

Pending Decision

Expedited Processing Requested : Yes

Expedited Processing Status : Pending

Decision

Request Description**Short Description :**

Dear Sir/Madam: I am asking for the detailed records of investigation of misconduct of research (plagiarism) of Dr. Thom SR via FIOA performed by Mr. Dennis Phillips during March-July 2015. The records are requested by PHRC for the forthcoming lawsuit in US Federal Court. Thank you for your time and consideration. Sincerely, Dr. Milovanova, MD, PhD

Description Available to the No
Public :Has Description Been Modified? ☐**Additional Information**

Case # : 16-036

Name of Local Command : N/A

Contract/Sol.# : N/A

Limit Request To Clearly N/A

Releasable Info :

Attached Supporting FilesAttachments Available to the No
Public :

Attached File	Type	Size (MB)
<i>Mr. John Clark.pdf</i>	PDF	0.10
<i>Dr. Kaper UMEM (Final).pdf</i>	PDF	0.21
<i>Tatyana N. Milovanova 11062015.pdf</i>	PDF	0.60